REMARKS

Claims 4-17 are in this application. Claims 1-3 are canceled. The specification has been amended as little as possible to avoid introduction of new matter. The corrections were mainly to correct grammatical error, spelling and sentence construction to more clearly describe the invention and address the rejection under s. 112. An amendment to the drawing is submitted with this amendment to show the reduction in diameter of the couple and the modified screw.

Claim Rejections - 35 USC s. 103

Claims 1-3 were rejected under 35 USC s. 103(a) as being unpatentable over Aaron (3280407) in view of Ferreyra (6397404). In rejecting claim 1, Examiner advances that Aaron discloses a system for water discharge in toilet tanks having a flexible ringed hose (30), an outside threaded couple (at 18), a conic rubber gasket, a nut, a bowl like gasket, a cable or wire (124) and a stick and handle (120) to pull the cable. Examiner merely enumerated parts of a toilet flushing valve which are found in most flushing valves. Examiner failed to enumerate the other parts of the referenced patent that distinguishes the invention

from the claimed invention. Inventions concerning toilet flushing valves, herein referred at as discharge valve, lie in the construction and assembly of the parts, on new parts not found in flushing valves and on the mechanism of the device. In Aaron, the flexible ringed hose collapses during a flushing operation caused by the weight of water filling up a cup connected on top of the flexible ringed hose and expands after a flush due to the buoyancy of the water filling the tank and the natural resiliency of the flexible ringed hose. Aaron could not have taught nor suggested the claimed invention because even if both inventions have a flexible ringed hose, the claimed invention does not operate under the principles of gravity and buoyancy as Aaron but rather by a simple mechanical operation of submerging the open top of the flexible ringed hose below the level of the liquid (water, usually) inside the toilet tank thereby allowing the liquid inside the tank to enter the flexible ringed hose and flush the toilet bowl. Submersion is done by simply bending the flexible ringed hose, having a wire with one end wrapping around the upper part of the hose, pulled by a handle connected to the other end of the wire. Flushing is stopped by simply allowing the flexible ringed hose to return to its original vertical position when the pull on the wire by the handle is released. Unlike Aaron, there is no dependency on buoyancy to reposition the flexible hose to its original

position. Consequently, because of the simplicity in principle adopted by the claimed invention, there are no costly and complex construction of a compartmentalized cup involved. Visually, in the claimed invention, the hose is bent or straightened while in Aaron, the hose is collapses or expanded. Aaron also have no capability of quickly adjusting the amount of liquid or water needed for a flush. A new cup with a different size of water-containing cup (64) is needed for each different volume of liquid needed for a flush. In the claimed invention, this can be easily achieved by just changing the extent or angle of the bent, with a slight bent causing less water to enter the flexible ringed hose thereby decreasing the amount of liquid or water needed for a flush and vice versa.

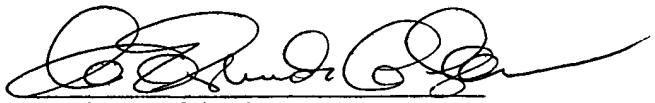
Examiner claims the invention obvious by citing Ferreyra as having the other features of the invention not included in Aaron such as the band sealing the hose to the couple. As stated in the claimed invention, the band sealing the hose can be substituted by an o-ring or by glue. Therefore, the band sealing the hose can not be a major feature of the claimed invention. Further, as in Aaron, Ferreyra also operated under a different mechanism. In Ferreyra, flushing is accomplished by pushing the handle (22) vertically downwards <u>with sufficient force</u> to overcome the upward buoyancy of the float connected at the upper end of the flexible ringed hose to plunge the top of the funnel

assembly below the level of the water, therefore allowing the liquid or water in the tank to enter the funnel and flush the toilet bowl. The discharge of water stops when buoyancy on the float overcomes the pressure of the water within the tank and expands the flexible ringed hose to its original uncompressed position. Because of the play between the pressure of the water within the tank and buoyancy, as in Aaron, a more complex device is needed. Further, prematurely stopping or interrupting the flush requires pulling the handle upwards with sufficient force to overcome the pressure of the water inside the tank. In the claimed invention, one simply releases the pull on the wire by the handle without dealing with the complex interplay of pressure and buoyancy involved in Ferreyra. Based on the information presented above, there is no teaching or suggestion provided by Aaron and Ferreyra to enable or motivate the Applicant to come up with the claimed invention which is simple in mechanism, less complex in parts and therefore cost, and more adaptable to existing toilet tanks. One can not use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. *In re Fritch,* 272 F. 2d 1260, 23 USPQ 2d 1780 (Fed. Cir. 1992).

In view of the above remarks, it is respectfully submitted that the claims are in condition for allowance. In the event that there are any problems which can be expedited by telephone

conference, the Examiner is invited to telephone the Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



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